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EXAMINER

BRANCOLINI, JOHN R

ART UNIT	PAPER NUMBER
2153	3

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/784,946

Applicant(s)

CHERRY, DARREL D.

Examiner

John R Brancolini

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-20 are pending in the application.

#### ***Priority***

No claim for priority has been made in the application. The effective filing date is February 14, 2001.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on November 15, 2001 was filed after the mailing date of the application on February 14, 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Item 535, on page 11 line 18. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Neuhard et al. (US Patent 6335795), hereinafter referred to as Neuhard.

In regards to claim 1, Neuhard discloses a method for facilitating network device capability utilization within a network, said method comprising the steps of:

- Determining attributes of network devices communicating with the network (the GUI program, or the controller for the user interface, queries other programs and objects or devices in the network to determine the attributes of the devices connected to the network, col 12 line 15 – col 13 line 2).
- Enabling a user to select desired attributes of a network device for processing a job (col 13 lines 12-33 deals with the GUI sending the user's desired attributes to the main routing device, for additional details on the GUI window, see col 7 line 58 – col 8 line 4).

- Facilitating processing of the job at one of the network devices corresponding to the desired attributes selected by the user (after a job ticket is created with all the attributes selected by a user, the software determines the appropriate printer for facilitating the print job, col 14 lines 25-38).

In regards to claim 2, Neuhard discloses the step of facilitating processing of the job at one of the network devices comprises:

- Receiving information corresponding to the desired attributes selected by the user (a job ticket, including all attributes of the selected job is created by the user, col 6 lines 27-31, col 15 lines 50-52).
- Providing the user with a selection of network devices possessing attributes corresponding to the desired attributes selected by the user (a listing of available printer is presented to the user, col 15 lines 52-57).
- Enabling the user to select one of the network devices provided by the selection of network devices for processing the job (the user selects an appropriate printer, col 15 lines 57-61).

In regards to claim 3, Neuhard discloses the step of enabling a user to select desired attributes of a network device for processing a job comprises:

- Providing the user with a selection of network devices (the GUI provides a listing of available printer models, col 15 lines 9-19).

- Receiving information corresponding to a network device selected by the user (the user selects a printer, and the system receives the information associated with the printer from the cache, col 15 lines 31-38).
- Providing the user with attributes corresponding to the network device selected by the user (the drop down menus are updated for the user to select from, col 15 lines 32-38).

In regards to claim 4, Neuhard discloses the step of enabling a user to select desired attributes of a network device comprises:

- Providing a graphical user interface for display to the user, the graphical user interface including a selection of attributes corresponding to attributes possessed by network devices of the network (the GUI is included which contains all listings of attributes available, col 8 lines 5-17).

In regards to claim 5, Neuhard discloses the network devices are printers and the job is a print job (the devices are printers and the job is a print job, col 2 lines 33-37).

In regards to claim 7, Neuhard discloses the step of determining attributes of network devices comprises:

- Receiving information from a user corresponding to initiation of a print request (the user submits a job ticket which is a request to print, col 5 lines 31-36).

- Determining attributes of network devices communicating with the network in response to receiving the information (after the job ticket is submitted, the system selects an appropriate printer, col 7 lines 7-15).

In regards to claim 11, Neuhard discloses a computer readable medium having a computer program for facilitating network device capability utilization within a network, said computer readable medium comprising:

- Logic configured to determine attributes of network devices communicating with the network (the GUI program, or the controller for the user interface, queries other programs and objects or devices in the network to determine the attributes of the devices connected to the network, col 12 line 15 – col 13 line 2).
- Logic configured to enable a user to select desired attributes of a network device for processing a job (col 13 lines 12-33 deals with the GUI sending the user's desired attributes to the main routing device, for additional details on the GUI window, see col 7 line 58 – col 8 line 4).
- Logic configured to facilitate processing of the job at one of the network devices corresponding to the desired attributes selected by the user (after a job ticket is created with all the attributes selected by a user, the software determines the appropriate printer for facilitating the print job, col 14 lines 25-38).

In regards to claim 12, Neuhard discloses the logic configured to facilitate processing of the job at one of the network devices comprises:

- Logic configured to receive information corresponding to the desired attributes selected by the user (a job ticket, including all attributes of the selected job is created by the user, col 6 lines 27-31, col 15 lines 50-52).
- Logic configured to provide the user with a selection of network devices possessing attributes corresponding to the desired attributes selected by the user (a listing of available printer is presented to the user, col 15 lines 52-57).
- Logic configured to enable the user to select one of the network devices provided by the selection of network devices for processing the job (the user selects an appropriate printer, col 15 lines 57-61).

In regards to claim 13, Neuhard discloses the logic configured to enable a user to select desired attributes of a network device comprises logic configured to provide a graphical user interface for display to the user, the graphical user interface including a selection of attributes corresponding to attributes possessed by network devices of the network (the GUI is included which contains all listings of attributes available, col 8 lines 5-17).

In regards to claim 14, Neuhard discloses the network devices are printers and the job is a print job. (the devices are printers and the job is a print job, col 2 lines 33-37).



In regards to claim 15, Neuhard discloses the logic configured to determine attributes of network devices comprises:

- Logic configured to receive information from a user corresponding to initiation of a print request (the user submits a job ticket which is a request to print, col 5 lines 31-36).
- Logic configured to determine attributes of network devices communicating with the network in response to receiving the information (after the job ticket is submitted, the system selects an appropriate printer, col 7 lines 7-15).

In regards to claim 16, Neuhard discloses a system for facilitating network device capability utilization within a network, said system comprising:

- Means for determining attributes of network devices communicating with the network (the GUI program, or the controller for the user interface, queries other programs and objects or devices in the network to determine the attributes of the devices connected to the network, col 12 line 15 – col 13 line 2).
- Means for enabling a user to select desired attributes of a network device for processing a job (col 13 lines 12-33 deals with the GUI sending the user's desired attributes to the main routing device, for additional details on the GUI window, see col 7 line 58 – col 8 line 4).
- Means for facilitating processing of the job at one of the network devices corresponding to the desired attributes selected by the user (col 13 lines 12-33

deals with the GUI sending the user's desired attributes to the main routing device, for additional details on the GUI window, see col 7 line 58 – col 8 line 4).

In regards to claim 17, Neuhard discloses the means for facilitating processing of the job at one of the network devices comprises:

- Means for receiving information corresponding to the desired attributes selected by the user (a job ticket, including all attributes of the selected job is created by the user, col 6 lines 27-31, col 15 lines 50-52).
- Means for providing the user with a selection of network devices possessing attributes corresponding to the desired attributes selected by the user (a listing of available printer is presented to the user, col 15 lines 52-57).
- Means for enabling the user to select one of the network devices provided by the selection of network devices for processing the job (the user selects an appropriate printer, col 15 lines 57-61).

In regards to claim 18, Neuhard discloses a system for facilitating network device capability utilization, said system comprising:

- A user interface system communicating with a network, said user interface system being configured to determine attributes of network devices communicating with the network (the GUI program, or the controller for the user interface, queries other programs and objects or devices in the network to determine the attributes of the devices connected to the network, col 12 line 15 –

col 13 line 2), said user interface system providing a user interface (the GUI is included which contains all listings of attributes available, col 8 lines 5-17), said user interface being configured to enable a user to select desired attributes of a network device for processing a job (col 13 lines 12-33 deals with the GUI sending the user's desired attributes to the main routing device, for additional details on the GUI window, see col 7 line 58 – col 8 line 4) such that said user interface system facilitates processing of the job at one of the network devices corresponding to the desired attributes selected by the user (col 13 lines 12-33 deals with the GUI sending the user's desired attributes to the main routing device, for additional details on the GUI window, see col 7 line 58 – col 8 line 4).

In regards to claim 19, Neuhard discloses a printer, and wherein one of the network devices is said printer (the network devices are printers, col 2 lines 33-37).

In regards to claim 20, Neuhard discloses the user interface is configured to display a printer capabilities field and a printer selection field, said printer capabilities field being configured to display attributes of network devices communicating with the network, each of said attributes being selectable by a user, said printer selection field being configured to display network devices possessing said attributes selected by the user in said printer capabilities field, each of the network devices displayed by said printer selection field being selectable by the user such that the network device selected in said printer selection field processes the job (a printer capabilities field as well as a

printer selection field is shown, the printer selection field being limited to the printers with the attributes selected by the user in the GUI drop down menus, col 15 lines 50-61).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuhard in view of Boldt et al. (US Patent 6349304), hereinafter referred to as Boldt.

In regards to claim 6, Neuhard discloses the limitations of claim 4, but fails to disclose the graphical user interface is web-based such that the graphical user interface is viewable via a web browser.

Boldt discloses a system where a plurality of devices are connected to a network, and an application is used by a client to determine which attributes each networked device is capable of supplying. In this system, Boldt teaches the use of a web-based GUI viewable via a web browser, which allows a user greater flexibility in accessing the program remotely from a centralized server on a variety of software applications (col 10 lines 2-15).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Neuhard to include utilizing a web browser to view the web-based user interface as taught by Boldt to allow a user greater flexibility in accessing the program remotely from a centralized server on a variety of software applications.

In regards to claim 8, Neuhard discloses a system for facilitating network device capability utilization, said system comprising:

- A user interface system communicating with a network, said user interface system being configured to determine attributes of network devices communicating with the network, said user interface system providing a user interface (the GUI program, or the controller for the user interface, queries other programs and objects or devices in the network to determine the attributes of the devices connected to the network, col 12 line 15 – col 13 line 2).
- Said user interface being configured to enable a user to select desired attributes of a network device for processing a job (col 13 lines 12-33 deals with the GUI sending the user's desired attributes to the main routing device, for additional details on the GUI window, see col 7 line 58 – col 8 line 4) such that said user interface system facilitates processing of the job at one of the network devices corresponding to the desired attributes selected by the user (after a job ticket is created with all the attributes selected by a user, the software determines the appropriate printer for facilitating the print job, col 14 lines 25-38).

Neuhard, however, fails to disclose the user interface being shown in a web browser.

Boldt discloses a system where a plurality of devices are connected to a network, and an application is used by a client to determine which attributes each networked device is capable of supplying. In this system, Boldt teaches the use of a web-based GUI viewable via a web browser, which allows a user greater flexibility in accessing the program remotely from a centralized server on a variety of software applications (col 10 lines 2-15).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Neuhard to include utilizing a web browser to view the web-based user interface as taught by Boldt to allow a user greater flexibility in accessing the program remotely from a centralized server on a variety of software applications.

In regards to claim 9, Boldt discloses the user interface system resides on a server (col 10 lines 1-5), said server communicating with the network, and wherein said user interface is generated from the group consisting of a mark-up language and a scripting language (the browser is sent the program in HTML, or a mark-up language, col 10 lines 5-12).

In regards to claim 10, Neuhard discloses a printer, and wherein one of the network devices is said printer (the network devices are printers, col 2 lines 33-37).

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Duvall et al. (US Patent 5659795), a system of maintaining static and dynamic attributes of network devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R Brancolini whose telephone number is (703) 305-7107. The examiner can normally be reached on M-Th 7am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**

  
JRB